

**REMARKS**

Claims 1-7 and 9-13 are pending in this application.

According to an embodiment of the invention, a display device includes a pedestal main body and an arm portion that can be positioned in the same plane to unify the pedestal main body with the arm portion so that the unified pedestal main body and arm portion cover an image display portion.

According to an embodiment of the invention, an angle adjusting device includes a stopper with an engaging surface to engage an arm portion. The engaging surface includes a plurality of areas for engaging an engaging portion of the arm so that the arm may be fixed at a plurality of angles with respect to a pedestal. Rotation of the stopper may be caused by rotation of the arm portion.

**REJECTIONS UNDER 35 U.S.C. § 102**

Reconsideration is respectfully requested of the rejection of claims 1-3, 7 and 9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,430,038 ("Helot").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

In rejecting claims 1-3, 7 and 9 under 35 U.S.C. § 102(e), the Examiner states that Helot discloses a pedestal main body and an arm portion that can be positioned in the same plane for unifying the pedestal main body with the arm portion to cover an

image display portion. Applicants respectfully disagree with the Examiner and respectfully traverse the Examiner's rejection of claims 1-3, 7 and 9 under 35 U.S.C. § 102(e).

Applicants respectfully submit that Helot does not disclose or suggest: (1) a pedestal main body and arm portion that can be positioned in the same plane for unifying the pedestal main body with the arm portion to cover an image display portion, as recited in independent claim 1; (2) a planar protective portion including a pedestal and arm portion that can be unified to constitute one plane and cover an image display portion, as recited in independent claim 3; and (3) an arm and pedestal that are unified with each other in the same plane for covering an image display portion, as recited in independent claim 7.

Helot fails to show an arm that is unified with a pedestal in the same plane. Indeed, as shown in Figs. 2, 4 and 5, Helot shows an arm portion which rests on the back of a display portion, which is clearly in a different plane than that in which the pedestal is located, not unified with the pedestal and not in the same plane.

As stated by the Federal Circuit in Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298, 67 U.S.P.Q.2d 1132, 1136 (Fed. Cir. 2003), "[i]n the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art." See also M.P.E.P. § 2111.01 (Rev. 2, May 2004). The ordinary meaning of plane is "a flat or level surface", such that "a straight line joining two of its points lies wholly in the surface". See Merriam-Webster Online at <http://www.m-w.com>. The word plane must be construed as such in claims 1-3, 7 and 9. The ordinary

meaning is supported by the specification for the instant application, which states that “it is desirable that a portion of the pedestal 51 is made to function as the arm 52” so that “the arm 52 that is an added component, must not be a cause to increase the size of the display apparatus 50.” See ¶ 0037. Accordingly, the display device “is constructed so that the arm comprising the supporting portion and the pedestal occupy the same plane”. See ¶ 0042; Figs 3(a) and 3(b); ¶ 0055 (stating that the arm 13 is unified with the pedestal main body 12 to constitute the same plane).

In contrast to the embodiments of the present invention recited in claims 1, 3 and 7, the arm design of Helot increases the size of the display apparatus since the arm rests in a different plane than that in which the pedestal lies, and is not unified in the same plane with the pedestal. Indeed, as shown in Figs. 2 and 4-5, Helot discloses a display 28 that is positioned in a second plane between a first plane in which the base 22 is located and a third plane in which the arm mechanism 36 is located.

Furthermore, in contrast to the Examiner’s assertion, Helot fails to disclose unified pedestal and arm portions which cover an image display portion, as recited in claims 1, 3 and 7. As shown in Fig. 2 of Helot, the arm portion is positioned on a back of the display and does not cover the display. Unlike the embodiments recited in claims 1, 3 and 7, the display screen is covered by only the base 22.

Therefore, Applicants respectfully submit that independent claims 1, 3 and 7 are not anticipated by Helot.

Claim 2 depends from claim 1 and claim 9 depends from claim 7 which, for the reasons stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2 and 9 are also submitted not to be

anticipated by the cited reference. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 7 and 9 under 35 U.S.C. § 102(e).

Reconsideration is respectfully requested of the rejection of claims 10-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,241 ("Van Brocklin"). In rejecting claims 10-11 under 35 U.S.C. § 102(e), the Examiner states that Van Brocklin discloses a stopper, which performs a rotation action by following a rotation action of an arm and that includes an engaging surface to engage the arm, wherein the engaging surface includes a plurality of areas for engaging an engaging portion of the arm to fix the arm at a plurality of angles with respect to the pedestal, as recited in independent claim 10. The Examiner further states that Van Brocklin discloses the feature that an engagement of said arm with said stopper is released while said arm rotates, as recited in claim 11.

Applicants respectfully disagree with the Examiner and respectfully traverse the Examiner's rejection of claims 10 and 11 under 35 U.S.C. § 102(e). In Fig. 1C, Van Brocklin shows a stand 50' including stops 116 and a member 112 preferably molded to a stop 110, that fits into the stops 116 to adjust the height of the display. The Examiner states that the stopper recited in claims 10 and 11 is anticipated by the stop 110 and the plurality of areas on the stopper are anticipated by the stops 116.

In reaching these conclusions, the Examiner ignores a number of claimed features. As shown in Figs. 6(b), 8(a), (b) and 11 of Applicants' disclosure and claimed in independent claim 10, the plurality of areas for engaging the arm are positioned on the stopper, which rotates in accordance with the rotation of the arm. In contrast, as

shown in Van Brocklin, the stops 116 that receive the stop 110 are fixed on what the Examiner refers to as the pedestal, which remains stationary. Accordingly, by disclosing stops 116 on the fixed pedestal, Van Brocklin teaches away from the rotating stopper including a plurality areas for engaging the arm, as recited in claim 10. Furthermore, the stop 110 does not include a plurality of areas for engaging the arm and does not disengage from the member 112 upon rotation of the member 112. Indeed, the stop 110 is a mere extension of member 112, preferably molded to the member 112. See col. 3, line 57. Moreover, it is apparent from Fig. 1C that while moving between stops 116, the member 112 remains engaged with the stand 50' in the channel above the stops 116. Therefore, Van Brocklin also does not disclose the feature that an engagement of said arm with said stopper is released while said arm rotates, as recited in claim 11.

As such, Applicants respectfully submit that embodiments of the invention as recited in claims 10 and 11 are not anticipated by Van Brocklin. These configurations are neither expressly nor inherently disclosed or suggested in the cited reference. In addition to the fact that the features of claim 11 are not disclosed by Van Brocklin, claim 11 is also not anticipated by the cited reference by virtue of being dependent on claim 10.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 10-11 under 35 U.S.C. § 102(e).

Reconsideration is respectfully requested of the rejection of claim 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,498,721 ("Kim"). In rejecting claim 13, the Examiner states that Kim discloses a first member and a second member,

wherein rotation of the second member around a second axis is caused by rotation of the first member around a first axis. The Examiner maintains that Kim shows a first member 26 rotating around an axis 13 to cause rotation of a second member 12 around a second axis 23.

Applicants respectfully disagree with the Examiner and respectfully traverse the Examiner's rejection of claim 13 under 35 U.S.C. § 102(e). Kim shows a cover 12 which can pivot about a rotatable joint 23 around a vertical axis and an auxiliary display 26 which pivots around a horizontal axis. However, Kim does not disclose that rotation of the auxiliary display 26 around the horizontal axis causes rotation of the cover 12 around the vertical axis. Indeed, as shown in Kim, there is no physical relationship between rotation of the auxiliary display 26 about the horizontal axis and rotation of the cover 12 about the vertical axis. As shown in Figs. 3 and 5 of Kim, a side of the auxiliary display 26 is dislodged from the cover so that the auxiliary display 26 is rotated downward to a viewing position. Such rotation, however, does not result in any rotation of the cover 12 around the vertical axis. Unlike an embodiment of the present invention, there is simply no linkage or physical interaction between the cover 12 and the auxiliary display 26 that would result in the auxiliary display causing rotation of the cover 12. In stark contrast, as shown in Fig. 11 of Applicants' disclosure, a portion of the second member 29 is positioned to contact the first member 24, such that rotation of the first member 24 causes the second member 29 to also rotate.

Therefore, Applicants respectfully submit that claim 13 is not anticipated by Kim. Kim does not disclose or suggest a second member whose rotation is caused by the rotation of a first member, as recited in claim 13. As such, Applicants respectfully

request that the Examiner withdraw the rejection of claim 13 under 35 U.S.C. § 102(e).

**REJECTIONS UNDER 35 U.S.C. § 103(a)**

Reconsideration is respectfully requested of the rejection of claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Helot. Applicants respectfully submit that claim 3 is patentable over the cited reference. For at least the reason that claims 4 and 5 depend from claim 3, claims 4 and 5 are also submitted to be patentable over Helot.

As stated and argued above, Applicants respectfully submit that Helot fails to teach or suggest a planar protective portion including a pedestal and arm portion that can be unified to constitute one plane and cover an image display portion, as recited in independent claim 3. Helot fails to show an arm that is unified with a pedestal in the same plane. Instead, Helot shows an arm portion which rests on the back of a display portion, which is clearly in a different plane than that in which the pedestal is located, not unified with the pedestal and not in the same plane. In addition, Helot fails to disclose unified pedestal and arm portions which cover an image display portion, as recited in claim 3. The arm portion of Helot is positioned on a back of the display and does not cover the display. The display screen of Helot is covered by only the base 22.

Therefore, Applicants respectfully submit that the embodiment of the invention as defined in amended claim 3 is patentable over Helot. For at least the reason that claims 4 and 5 depend from claim 3, claims 4 and 5 are also submitted to be patentably distinct over the cited reference. As such, Applicants request that the Examiner withdraw the rejection of claims 4 and 5 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 6 under 35

U.S.C. § 103(a) as being unpatentable over Helot in view of U.S. Patent No. 6,493,216 ("Lin"). Applicants respectfully submit that claim 3 is patentable over the cited references. For at least the reason that claim 6 depends from claim 3, claim 6 is also submitted to be patentable over Helot in view of Lin.

As stated and argued above, Applicants respectfully submit that Helot fails to teach or suggest a planar protective portion including a pedestal and arm portion that can be unified to constitute one plane and cover an image display portion, as recited in independent claim 3. In addition, Lin also fails to disclose the first and second sections capable of being unified to constitute one plane to cover an image display portion.

Therefore, Applicants respectfully submit that the embodiment of the invention as defined in amended claim 3 is patentable over Helot in view of Lin. For at least the reason that claim 6 depends from claim 3, claim 6 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 6 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Van Brocklin. Applicants respectfully submit that claim 10 is patentable over the cited reference. For at least the reason that claim 12 depends from claim 10, claim 12 is also submitted to be patentable over Van Brocklin.

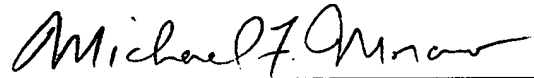
As stated and argued above, Van Brocklin fails to disclose the rotating stopper including a plurality areas for engaging the arm, as recited in claim 10. Instead, Van Brocklin discloses stops 116 that receive the stop 110 and which are fixed on a stationary stand.

Therefore, it is respectfully submitted that the cited reference does not disclose or suggest the stopper, as defined in claim 10. It is respectfully submitted that it would not have been obvious to modify Van Brocklin to develop same.

Applicants respectfully submit that the embodiment of the invention as defined in claim 10 is patentable over Van Brocklin. For at least the reason that claim 12 depends from claim 10, claim 12 is also submitted to be patentably distinct over the cited reference. As such, Applicants request that the Examiner withdraw the rejection of claim 12 under 35 U.S.C. §103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, it is suggested that the Examiner telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



Michael F. Morano  
Reg. No. 44,952  
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC  
1900 Hempstead Turnpike  
Suite 501  
East Meadow, NY 11554  
(516) 357-0091